



Rep. John E. Bradley

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09700SB2062ham004

LRB097 10263 ASK 56642 a

1 AMENDMENT TO SENATE BILL 2062

2 AMENDMENT NO. _____. Amend Senate Bill 2062, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 3 as follows:

5 on page 17, immediately below line 15, by inserting the
6 following:

7 "Section 90. Conditional repeal. This Act shall be repealed
8 within 5 years after the effective date of this amendatory Act
9 of the 97th General Assembly, unless construction of a pipeline
10 and storage field for captured CO₂ for the FutureGen Project
11 has commenced.

12 Section 800. The State Officials and Employees Ethics Act
13 is amended by changing Section 20-5 as follows:

14 (5 ILCS 430/20-5)

1 (Text of Section before amendment by P.A. 96-1528)

2 Sec. 20-5. Executive Ethics Commission.

3 (a) The Executive Ethics Commission is created.

4 (b) The Executive Ethics Commission shall consist of 9
5 commissioners. The Governor shall appoint 5 commissioners, and
6 the Attorney General, Secretary of State, Comptroller, and
7 Treasurer shall each appoint one commissioner. Appointments
8 shall be made by and with the advice and consent of the Senate
9 by three-fifths of the elected members concurring by record
10 vote. Any nomination not acted upon by the Senate within 60
11 session days of the receipt thereof shall be deemed to have
12 received the advice and consent of the Senate. If, during a
13 recess of the Senate, there is a vacancy in an office of
14 commissioner, the appointing authority shall make a temporary
15 appointment until the next meeting of the Senate when the
16 appointing authority shall make a nomination to fill that
17 office. No person rejected for an office of commissioner shall,
18 except by the Senate's request, be nominated again for that
19 office at the same session of the Senate or be appointed to
20 that office during a recess of that Senate. No more than 5
21 commissioners may be of the same political party.

22 The terms of the initial commissioners shall commence upon
23 qualification. Four initial appointees of the Governor, as
24 designated by the Governor, shall serve terms running through
25 June 30, 2007. One initial appointee of the Governor, as
26 designated by the Governor, and the initial appointees of the

1 Attorney General, Secretary of State, Comptroller, and
2 Treasurer shall serve terms running through June 30, 2008. The
3 initial appointments shall be made within 60 days after the
4 effective date of this Act.

5 After the initial terms, commissioners shall serve for
6 4-year terms commencing on July 1 of the year of appointment
7 and running through June 30 of the fourth following year.
8 Commissioners may be reappointed to one or more subsequent
9 terms.

10 Vacancies occurring other than at the end of a term shall
11 be filled by the appointing authority only for the balance of
12 the term of the commissioner whose office is vacant.

13 Terms shall run regardless of whether the position is
14 filled.

15 (c) The appointing authorities shall appoint commissioners
16 who have experience holding governmental office or employment
17 and shall appoint commissioners from the general public. A
18 person is not eligible to serve as a commissioner if that
19 person (i) has been convicted of a felony or a crime of
20 dishonesty or moral turpitude, (ii) is, or was within the
21 preceding 12 months, engaged in activities that require
22 registration under the Lobbyist Registration Act, (iii) is
23 related to the appointing authority, or (iv) is a State officer
24 or employee.

25 (d) The Executive Ethics Commission shall have
26 jurisdiction over all officers and employees of State agencies

1 other than the General Assembly, the Senate, the House of
2 Representatives, the President and Minority Leader of the
3 Senate, the Speaker and Minority Leader of the House of
4 Representatives, the Senate Operations Commission, the
5 legislative support services agencies, and the Office of the
6 Auditor General. The jurisdiction of the Commission is limited
7 to matters arising under this Act.

8 A member or legislative branch State employee serving on an
9 executive branch board or commission remains subject to the
10 jurisdiction of the Legislative Ethics Commission and is not
11 subject to the jurisdiction of the Executive Ethics Commission.

12 (d-5) The Executive Ethics Commission shall have
13 jurisdiction over all chief procurement officers and
14 procurement compliance monitors and their respective staffs.
15 The Executive Ethics Commission shall have jurisdiction over
16 any matters arising under the Illinois Procurement Code if the
17 Commission is given explicit authority in that Code.

18 (d-6) The Executive Ethics Commission shall have
19 jurisdiction over the Illinois Power Agency and its staff. The
20 Director of the Agency shall be appointed by a majority of the
21 commissioners of the Executive Ethics Commission, subject to
22 Senate confirmation, for a term of 2 years; provided that,
23 notwithstanding any other provision of State law, the term of
24 the Director holding the position on the effective date of this
25 amendatory Act of the 97th General Assembly shall expire on
26 December 31, 2013. The Director is removable for cause by a

1 majority of the Commission upon a finding of neglect,
2 malfeasance, absence, or incompetence.

3 (e) The Executive Ethics Commission must meet, either in
4 person or by other technological means, at least monthly and as
5 often as necessary. At the first meeting of the Executive
6 Ethics Commission, the commissioners shall choose from their
7 number a chairperson and other officers that they deem
8 appropriate. The terms of officers shall be for 2 years
9 commencing July 1 and running through June 30 of the second
10 following year. Meetings shall be held at the call of the
11 chairperson or any 3 commissioners. Official action by the
12 Commission shall require the affirmative vote of 5
13 commissioners, and a quorum shall consist of 5 commissioners.
14 Commissioners shall receive compensation in an amount equal to
15 the compensation of members of the State Board of Elections and
16 may be reimbursed for their reasonable expenses actually
17 incurred in the performance of their duties.

18 (f) No commissioner or employee of the Executive Ethics
19 Commission may during his or her term of appointment or
20 employment:

21 (1) become a candidate for any elective office;

22 (2) hold any other elected or appointed public office
23 except for appointments on governmental advisory boards or
24 study commissions or as otherwise expressly authorized by
25 law;

26 (3) be actively involved in the affairs of any

1 political party or political organization; or

2 (4) advocate for the appointment of another person to
3 an appointed or elected office or position or actively
4 participate in any campaign for any elective office.

5 (g) An appointing authority may remove a commissioner only
6 for cause.

7 (h) The Executive Ethics Commission shall appoint an
8 Executive Director. The compensation of the Executive Director
9 shall be as determined by the Commission. The Executive
10 Director of the Executive Ethics Commission may employ and
11 determine the compensation of staff, as appropriations permit.

12 (i) The Executive Ethics Commission shall appoint, by a
13 majority of the members appointed to the Commission, chief
14 procurement officers and procurement compliance monitors in
15 accordance with the provisions of the Illinois Procurement
16 Code. The compensation of a chief procurement officer and
17 procurement compliance monitor shall be determined by the
18 Commission.

19 (Source: P.A. 96-555, eff. 8-18-09.)

20 (Text of Section after amendment by P.A. 96-1528)

21 Sec. 20-5. Executive Ethics Commission.

22 (a) The Executive Ethics Commission is created.

23 (b) The Executive Ethics Commission shall consist of 9
24 commissioners. The Governor shall appoint 5 commissioners, and
25 the Attorney General, Secretary of State, Comptroller, and

1 Treasurer shall each appoint one commissioner. Appointments
2 shall be made by and with the advice and consent of the Senate
3 by three-fifths of the elected members concurring by record
4 vote. Any nomination not acted upon by the Senate within 60
5 session days of the receipt thereof shall be deemed to have
6 received the advice and consent of the Senate. If, during a
7 recess of the Senate, there is a vacancy in an office of
8 commissioner, the appointing authority shall make a temporary
9 appointment until the next meeting of the Senate when the
10 appointing authority shall make a nomination to fill that
11 office. No person rejected for an office of commissioner shall,
12 except by the Senate's request, be nominated again for that
13 office at the same session of the Senate or be appointed to
14 that office during a recess of that Senate. No more than 5
15 commissioners may be of the same political party.

16 The terms of the initial commissioners shall commence upon
17 qualification. Four initial appointees of the Governor, as
18 designated by the Governor, shall serve terms running through
19 June 30, 2007. One initial appointee of the Governor, as
20 designated by the Governor, and the initial appointees of the
21 Attorney General, Secretary of State, Comptroller, and
22 Treasurer shall serve terms running through June 30, 2008. The
23 initial appointments shall be made within 60 days after the
24 effective date of this Act.

25 After the initial terms, commissioners shall serve for
26 4-year terms commencing on July 1 of the year of appointment

1 and running through June 30 of the fourth following year.
2 Commissioners may be reappointed to one or more subsequent
3 terms.

4 Vacancies occurring other than at the end of a term shall
5 be filled by the appointing authority only for the balance of
6 the term of the commissioner whose office is vacant.

7 Terms shall run regardless of whether the position is
8 filled.

9 (c) The appointing authorities shall appoint commissioners
10 who have experience holding governmental office or employment
11 and shall appoint commissioners from the general public. A
12 person is not eligible to serve as a commissioner if that
13 person (i) has been convicted of a felony or a crime of
14 dishonesty or moral turpitude, (ii) is, or was within the
15 preceding 12 months, engaged in activities that require
16 registration under the Lobbyist Registration Act, (iii) is
17 related to the appointing authority, or (iv) is a State officer
18 or employee.

19 (d) The Executive Ethics Commission shall have
20 jurisdiction over all officers and employees of State agencies
21 other than the General Assembly, the Senate, the House of
22 Representatives, the President and Minority Leader of the
23 Senate, the Speaker and Minority Leader of the House of
24 Representatives, the Senate Operations Commission, the
25 legislative support services agencies, and the Office of the
26 Auditor General. The Executive Ethics Commission shall have

1 jurisdiction over all board members and employees of Regional
2 Transit Boards. The jurisdiction of the Commission is limited
3 to matters arising under this Act, except as provided in
4 subsection (d-5).

5 A member or legislative branch State employee serving on an
6 executive branch board or commission remains subject to the
7 jurisdiction of the Legislative Ethics Commission and is not
8 subject to the jurisdiction of the Executive Ethics Commission.

9 (d-5) The Executive Ethics Commission shall have
10 jurisdiction over all chief procurement officers and
11 procurement compliance monitors and their respective staffs.
12 The Executive Ethics Commission shall have jurisdiction over
13 any matters arising under the Illinois Procurement Code if the
14 Commission is given explicit authority in that Code.

15 (d-6) The Executive Ethics Commission shall have
16 jurisdiction over the Illinois Power Agency and its staff. The
17 Director of the Agency shall be appointed by a majority of the
18 commissioners of the Executive Ethics Commission, subject to
19 Senate confirmation, for a term of 2 years; provided that,
20 notwithstanding any other provision of State law, the term of
21 the Director holding the position on the effective date of this
22 amendatory Act of the 97th General Assembly shall expire on
23 December 31, 2013. The Director is removable for cause by a
24 majority of the Commission upon a finding of neglect,
25 malfeasance, absence, or incompetence.

26 (e) The Executive Ethics Commission must meet, either in

1 person or by other technological means, at least monthly and as
2 often as necessary. At the first meeting of the Executive
3 Ethics Commission, the commissioners shall choose from their
4 number a chairperson and other officers that they deem
5 appropriate. The terms of officers shall be for 2 years
6 commencing July 1 and running through June 30 of the second
7 following year. Meetings shall be held at the call of the
8 chairperson or any 3 commissioners. Official action by the
9 Commission shall require the affirmative vote of 5
10 commissioners, and a quorum shall consist of 5 commissioners.
11 Commissioners shall receive compensation in an amount equal to
12 the compensation of members of the State Board of Elections and
13 may be reimbursed for their reasonable expenses actually
14 incurred in the performance of their duties.

15 (f) No commissioner or employee of the Executive Ethics
16 Commission may during his or her term of appointment or
17 employment:

18 (1) become a candidate for any elective office;

19 (2) hold any other elected or appointed public office
20 except for appointments on governmental advisory boards or
21 study commissions or as otherwise expressly authorized by
22 law;

23 (3) be actively involved in the affairs of any
24 political party or political organization; or

25 (4) advocate for the appointment of another person to
26 an appointed or elected office or position or actively

1 participate in any campaign for any elective office.

2 (g) An appointing authority may remove a commissioner only
3 for cause.

4 (h) The Executive Ethics Commission shall appoint an
5 Executive Director. The compensation of the Executive Director
6 shall be as determined by the Commission. The Executive
7 Director of the Executive Ethics Commission may employ and
8 determine the compensation of staff, as appropriations permit.

9 (i) The Executive Ethics Commission shall appoint, by a
10 majority of the members appointed to the Commission, chief
11 procurement officers and procurement compliance monitors in
12 accordance with the provisions of the Illinois Procurement
13 Code. The compensation of a chief procurement officer and
14 procurement compliance monitor shall be determined by the
15 Commission.

16 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

17 Section 820. The Executive Reorganization Implementation
18 Act is amended by changing Section 3.1 as follows:

19 (15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

20 Sec. 3.1. "Agency directly responsible to the Governor" or
21 "agency" means any office, officer, division, or part thereof,
22 and any other office, nonelective officer, department,
23 division, bureau, board, or commission in the executive branch
24 of State government, except that it does not apply to any

1 agency whose primary function is service to the General
2 Assembly or the Judicial Branch of State government, or to any
3 agency administered by the Attorney General, Secretary of
4 State, State Comptroller or State Treasurer. In addition the
5 term does not apply to the following agencies created by law
6 with the primary responsibility of exercising regulatory or
7 adjudicatory functions independently of the Governor:

8 (1) the State Board of Elections;

9 (2) the State Board of Education;

10 (3) the Illinois Commerce Commission;

11 (4) the Illinois Workers' Compensation Commission;

12 (5) the Civil Service Commission;

13 (6) the Fair Employment Practices Commission;

14 (7) the Pollution Control Board;

15 (8) the Department of State Police Merit Board;

16 (9) the Illinois Racing Board; ~~and~~

17 (10) the Illinois Power Agency.

18 (Source: P.A. 96-796, eff. 10-29-09.)

19 Section 830. The Civil Administrative Code of Illinois is
20 amended by changing Sections 5-15 and 5-20 as follows:

21 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

22 Sec. 5-15. Departments of State government. The
23 Departments of State government are created as follows:

24 The Department on Aging.

1 The Department of Agriculture.
2 The Department of Central Management Services.
3 The Department of Children and Family Services.
4 The Department of Commerce and Economic Opportunity.
5 The Department of Corrections.
6 The Department of Employment Security.
7 The Illinois Emergency Management Agency.
8 The Department of Financial and Professional Regulation.
9 The Department of Healthcare and Family Services.
10 The Department of Human Rights.
11 The Department of Human Services.
12 ~~The Illinois Power Agency.~~
13 The Department of Juvenile Justice.
14 The Department of Labor.
15 The Department of the Lottery.
16 The Department of Natural Resources.
17 The Department of Public Health.
18 The Department of Revenue.
19 The Department of State Police.
20 The Department of Transportation.
21 The Department of Veterans' Affairs.

22 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;
23 95-777, eff. 8-4-08; 96-328, eff. 8-11-09.)

24 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

25 Sec. 5-20. Heads of departments. Each department shall have

1 an officer as its head who shall be known as director or
2 secretary and who shall, subject to the provisions of the Civil
3 Administrative Code of Illinois, execute the powers and
4 discharge the duties vested by law in his or her respective
5 department.

6 The following officers are hereby created:

7 Director of Aging, for the Department on Aging.

8 Director of Agriculture, for the Department of
9 Agriculture.

10 Director of Central Management Services, for the
11 Department of Central Management Services.

12 Director of Children and Family Services, for the
13 Department of Children and Family Services.

14 Director of Commerce and Economic Opportunity, for the
15 Department of Commerce and Economic Opportunity.

16 Director of Corrections, for the Department of
17 Corrections.

18 Director of the Illinois Emergency Management Agency, for
19 the Illinois Emergency Management Agency.

20 Director of Employment Security, for the Department of
21 Employment Security.

22 Secretary of Financial and Professional Regulation, for
23 the Department of Financial and Professional Regulation.

24 Director of Healthcare and Family Services, for the
25 Department of Healthcare and Family Services.

26 Director of Human Rights, for the Department of Human

1 Rights.

2 Secretary of Human Services, for the Department of Human
3 Services.

4 ~~Director of the Illinois Power Agency, for the Illinois~~
5 ~~Power Agency.~~

6 Director of Juvenile Justice, for the Department of
7 Juvenile Justice.

8 Director of Labor, for the Department of Labor.

9 Director of the Lottery, for the Department of the Lottery.

10 Director of Natural Resources, for the Department of
11 Natural Resources.

12 Director of Public Health, for the Department of Public
13 Health.

14 Director of Revenue, for the Department of Revenue.

15 Director of State Police, for the Department of State
16 Police.

17 Secretary of Transportation, for the Department of
18 Transportation.

19 Director of Veterans' Affairs, for the Department of
20 Veterans' Affairs.

21 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;
22 95-777, eff. 8-4-08; 96-328, eff. 8-11-09.)

23 Section 840. The Personnel Code is amended by changing
24 Section 4c as follows:

1 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

2 Sec. 4c. General exemptions. The following positions in
3 State service shall be exempt from jurisdictions A, B, and C,
4 unless the jurisdictions shall be extended as provided in this
5 Act:

6 (1) All officers elected by the people.

7 (2) All positions under the Lieutenant Governor,
8 Secretary of State, State Treasurer, State Comptroller,
9 State Board of Education, Clerk of the Supreme Court,
10 Attorney General, and State Board of Elections.

11 (3) Judges, and officers and employees of the courts,
12 and notaries public.

13 (4) All officers and employees of the Illinois General
14 Assembly, all employees of legislative commissions, all
15 officers and employees of the Illinois Legislative
16 Reference Bureau, the Legislative Research Unit, and the
17 Legislative Printing Unit.

18 (5) All positions in the Illinois National Guard and
19 Illinois State Guard, paid from federal funds or positions
20 in the State Military Service filled by enlistment and paid
21 from State funds.

22 (6) All employees of the Governor at the executive
23 mansion and on his immediate personal staff.

24 (7) Directors of Departments, the Adjutant General,
25 the Assistant Adjutant General, the Director of the
26 Illinois Emergency Management Agency, members of boards

1 and commissions, and all other positions appointed by the
2 Governor by and with the consent of the Senate.

3 (8) The presidents, other principal administrative
4 officers, and teaching, research and extension faculties
5 of Chicago State University, Eastern Illinois University,
6 Governors State University, Illinois State University,
7 Northeastern Illinois University, Northern Illinois
8 University, Western Illinois University, the Illinois
9 Community College Board, Southern Illinois University,
10 Illinois Board of Higher Education, University of
11 Illinois, State Universities Civil Service System,
12 University Retirement System of Illinois, and the
13 administrative officers and scientific and technical staff
14 of the Illinois State Museum.

15 (9) All other employees except the presidents, other
16 principal administrative officers, and teaching, research
17 and extension faculties of the universities under the
18 jurisdiction of the Board of Regents and the colleges and
19 universities under the jurisdiction of the Board of
20 Governors of State Colleges and Universities, Illinois
21 Community College Board, Southern Illinois University,
22 Illinois Board of Higher Education, Board of Governors of
23 State Colleges and Universities, the Board of Regents,
24 University of Illinois, State Universities Civil Service
25 System, University Retirement System of Illinois, so long
26 as these are subject to the provisions of the State

1 Universities Civil Service Act.

2 (10) The State Police so long as they are subject to
3 the merit provisions of the State Police Act.

4 (11) (Blank).

5 (12) The technical and engineering staffs of the
6 Department of Transportation, the Department of Nuclear
7 Safety, the Pollution Control Board, and the Illinois
8 Commerce Commission, and the technical and engineering
9 staff providing architectural and engineering services in
10 the Department of Central Management Services.

11 (13) All employees of the Illinois State Toll Highway
12 Authority.

13 (14) The Secretary of the Illinois Workers'
14 Compensation Commission.

15 (15) All persons who are appointed or employed by the
16 Director of Insurance under authority of Section 202 of the
17 Illinois Insurance Code to assist the Director of Insurance
18 in discharging his responsibilities relating to the
19 rehabilitation, liquidation, conservation, and dissolution
20 of companies that are subject to the jurisdiction of the
21 Illinois Insurance Code.

22 (16) All employees of the St. Louis Metropolitan Area
23 Airport Authority.

24 (17) All investment officers employed by the Illinois
25 State Board of Investment.

26 (18) Employees of the Illinois Young Adult

1 Conservation Corps program, administered by the Illinois
2 Department of Natural Resources, authorized grantee under
3 Title VIII of the Comprehensive Employment and Training Act
4 of 1973, 29 USC 993.

5 (19) Seasonal employees of the Department of
6 Agriculture for the operation of the Illinois State Fair
7 and the DuQuoin State Fair, no one person receiving more
8 than 29 days of such employment in any calendar year.

9 (20) All "temporary" employees hired under the
10 Department of Natural Resources' Illinois Conservation
11 Service, a youth employment program that hires young people
12 to work in State parks for a period of one year or less.

13 (21) All hearing officers of the Human Rights
14 Commission.

15 (22) All employees of the Illinois Mathematics and
16 Science Academy.

17 (23) All employees of the Kankakee River Valley Area
18 Airport Authority.

19 (24) The commissioners and employees of the Executive
20 Ethics Commission.

21 (25) The Executive Inspectors General, including
22 special Executive Inspectors General, and employees of
23 each Office of an Executive Inspector General.

24 (26) The commissioners and employees of the
25 Legislative Ethics Commission.

26 (27) The Legislative Inspector General, including

1 special Legislative Inspectors General, and employees of
2 the Office of the Legislative Inspector General.

3 (28) The Auditor General's Inspector General and
4 employees of the Office of the Auditor General's Inspector
5 General.

6 (29) All employees of the Illinois Power Agency.

7 (Source: P.A. 95-728, eff. 7-1-08 - See Sec. 999.)

8 Section 860. The Illinois Power Agency Act is amended by
9 changing Sections 1-5, 1-15, 1-20, 1-25, 1-70, and 1-75 as
10 follows:

11 (20 ILCS 3855/1-5)

12 Sec. 1-5. Legislative declarations and findings. The
13 General Assembly finds and declares:

14 (1) The health, welfare, and prosperity of all Illinois
15 citizens require the provision of adequate, reliable,
16 affordable, efficient, and environmentally sustainable
17 electric service at the lowest total cost over time, taking
18 into account any benefits of price stability.

19 (2) The transition to retail competition is not
20 complete. Some customers, especially residential and small
21 commercial customers, have failed to benefit from lower
22 electricity costs from retail and wholesale competition.

23 (3) Escalating prices for electricity in Illinois pose
24 a serious threat to the economic well-being, health, and

1 safety of the residents of and the commerce and industry of
2 the State.

3 (4) To protect against this threat to economic
4 well-being, health, and safety it is necessary to improve
5 the process of procuring electricity to serve Illinois
6 residents, to promote investment in energy efficiency and
7 demand-response measures, and to support development of
8 clean coal technologies and renewable resources.

9 (5) Procuring a diverse electricity supply portfolio
10 will ensure the lowest total cost over time for adequate,
11 reliable, efficient, and environmentally sustainable
12 electric service.

13 (6) Including cost-effective renewable resources in
14 that portfolio will reduce long-term direct and indirect
15 costs to consumers by decreasing environmental impacts and
16 by avoiding or delaying the need for new generation,
17 transmission, and distribution infrastructure.

18 (7) Energy efficiency, demand-response measures, and
19 renewable energy are resources currently underused in
20 Illinois.

21 (8) The State should encourage the use of advanced
22 clean coal technologies that capture and sequester carbon
23 dioxide emissions to advance environmental protection
24 goals and to demonstrate the viability of coal and
25 coal-derived fuels in a carbon-constrained economy.

26 (9) The General Assembly enacted Public Act 96-0795 to

1 reform the State's purchasing processes, recognizing that
2 government procurement is susceptible to abuse if
3 structural and procedural safeguards are not in place to
4 ensure independence, insulation, oversight, and
5 transparency.

6 (10) The principles that underlie the procurement
7 reform legislation apply also in the context of power
8 purchasing.

9 The General Assembly therefore finds that it is necessary
10 to create the Illinois Power Agency and that the goals and
11 objectives of that Agency are to accomplish each of the
12 following:

13 (A) Develop electricity procurement plans to ensure
14 adequate, reliable, affordable, efficient, and
15 environmentally sustainable electric service at the lowest
16 total cost over time, taking into account any benefits of
17 price stability, for electric utilities that on December
18 31, 2005 provided electric service to at least 100,000
19 customers in Illinois. The procurement plan shall be
20 updated on an annual basis and shall include renewable
21 energy resources sufficient to achieve the standards
22 specified in this Act.

23 (B) Conduct competitive procurement processes to
24 procure the supply resources identified in the procurement
25 plan.

26 (C) Develop electric generation and co-generation

1 facilities that use indigenous coal or renewable
2 resources, or both, financed with bonds issued by the
3 Illinois Finance Authority.

4 (D) Supply electricity from the Agency's facilities at
5 cost to one or more of the following: municipal electric
6 systems, governmental aggregators, or rural electric
7 cooperatives in Illinois.

8 (E) Ensure that the process of power procurement is
9 conducted in an ethical and transparent fashion, immune
10 from improper influence.

11 (F) Continue to review its policies and practices to
12 determine how best to meet its mission of providing the
13 lowest cost power to the greatest number of people, at any
14 given point in time, in accordance with applicable law.

15 (G) Operate in a structurally insulated, independent,
16 and transparent fashion so that nothing impedes the
17 Agency's mission to secure power at the best prices the
18 market will bear, provided that the Agency meets all
19 applicable legal requirements.

20 (Source: P.A. 95-481, eff. 8-28-07; 95-1027, eff. 6-1-09.)

21 (20 ILCS 3855/1-15)

22 Sec. 1-15. Illinois Power Agency.

23 (a) For the purpose of effectuating the policy declared in
24 Section 1-5 of this Act, a State agency known as the Illinois
25 Power Agency is created. The Agency shall exercise governmental

1 and public powers, be perpetual in duration, and have the
2 powers and duties enumerated in this Act, together with such
3 others conferred upon it by law.

4 (b) The Agency is not created or organized, and its
5 operations shall not be conducted, for the purpose of making a
6 profit. No part of the revenues or assets of the Agency shall
7 inure to the benefit of or be distributable to any of its
8 employees or any other private persons, except as provided in
9 this Act for actual services rendered. The Agency shall operate
10 as an independent agency subject to the oversight of the
11 Executive Ethics Commission.

12 (Source: P.A. 95-481, eff. 8-28-07.)

13 (20 ILCS 3855/1-20)

14 Sec. 1-20. General powers of the Agency.

15 (a) The Agency is authorized to do each of the following:

16 (1) Develop electricity procurement plans to ensure
17 adequate, reliable, affordable, efficient, and
18 environmentally sustainable electric service at the lowest
19 total cost over time, taking into account any benefits of
20 price stability, for electric utilities that on December
21 31, 2005 provided electric service to at least 100,000
22 customers in Illinois. The procurement plans shall be
23 updated on an annual basis and shall include electricity
24 generated from renewable resources sufficient to achieve
25 the standards specified in this Act.

1 (2) Conduct competitive procurement processes to
2 procure the supply resources identified in the procurement
3 plan, pursuant to Section 16-111.5 of the Public Utilities
4 Act.

5 (3) Develop electric generation and co-generation
6 facilities that use indigenous coal or renewable
7 resources, or both, financed with bonds issued by the
8 Illinois Finance Authority.

9 (4) Supply electricity from the Agency's facilities at
10 cost to one or more of the following: municipal electric
11 systems, governmental aggregators, or rural electric
12 cooperatives in Illinois.

13 (b) Except as otherwise limited by this Act, the Agency has
14 all of the powers necessary or convenient to carry out the
15 purposes and provisions of this Act, including without
16 limitation, each of the following:

17 (1) To have a corporate seal, and to alter that seal at
18 pleasure, and to use it by causing it or a facsimile to be
19 affixed or impressed or reproduced in any other manner.

20 (2) To use the services of the Illinois Finance
21 Authority necessary to carry out the Agency's purposes.

22 (3) To negotiate and enter into loan agreements and
23 other agreements with the Illinois Finance Authority.

24 (4) To obtain and employ personnel and hire consultants
25 that are necessary to fulfill the Agency's purposes, and to
26 make expenditures for that purpose within the

1 appropriations for that purpose.

2 (5) To purchase, receive, take by grant, gift, devise,
3 bequest, or otherwise, lease, or otherwise acquire, own,
4 hold, improve, employ, use, and otherwise deal in and with,
5 real or personal property whether tangible or intangible,
6 or any interest therein, within the State.

7 (6) To acquire real or personal property, whether
8 tangible or intangible, including without limitation
9 property rights, interests in property, franchises,
10 obligations, contracts, and debt and equity securities,
11 and to do so by the exercise of the power of eminent domain
12 in accordance with Section 1-21; except that any real
13 property acquired by the exercise of the power of eminent
14 domain must be located within the State.

15 (7) To sell, convey, lease, exchange, transfer,
16 abandon, or otherwise dispose of, or mortgage, pledge, or
17 create a security interest in, any of its assets,
18 properties, or any interest therein, wherever situated.

19 (8) To purchase, take, receive, subscribe for, or
20 otherwise acquire, hold, make a tender offer for, vote,
21 employ, sell, lend, lease, exchange, transfer, or
22 otherwise dispose of, mortgage, pledge, or grant a security
23 interest in, use, and otherwise deal in and with, bonds and
24 other obligations, shares, or other securities (or
25 interests therein) issued by others, whether engaged in a
26 similar or different business or activity.

1 (9) To make and execute agreements, contracts, and
2 other instruments necessary or convenient in the exercise
3 of the powers and functions of the Agency under this Act,
4 including contracts with any person, including personal
5 service contracts, or with any local government, State
6 agency, or other entity; and all State agencies and all
7 local governments are authorized to enter into and do all
8 things necessary to perform any such agreement, contract,
9 or other instrument with the Agency. No such agreement,
10 contract, or other instrument shall exceed 40 years.

11 (10) To lend money, invest and reinvest its funds in
12 accordance with the Public Funds Investment Act, and take
13 and hold real and personal property as security for the
14 payment of funds loaned or invested.

15 (11) To borrow money at such rate or rates of interest
16 as the Agency may determine, issue its notes, bonds, or
17 other obligations to evidence that indebtedness, and
18 secure any of its obligations by mortgage or pledge of its
19 real or personal property, machinery, equipment,
20 structures, fixtures, inventories, revenues, grants, and
21 other funds as provided or any interest therein, wherever
22 situated.

23 (12) To enter into agreements with the Illinois Finance
24 Authority to issue bonds whether or not the income
25 therefrom is exempt from federal taxation.

26 (13) To procure insurance against any loss in

1 connection with its properties or operations in such amount
2 or amounts and from such insurers, including the federal
3 government, as it may deem necessary or desirable, and to
4 pay any premiums therefor.

5 (14) To negotiate and enter into agreements with
6 trustees or receivers appointed by United States
7 bankruptcy courts or federal district courts or in other
8 proceedings involving adjustment of debts and authorize
9 proceedings involving adjustment of debts and authorize
10 legal counsel for the Agency to appear in any such
11 proceedings.

12 (15) To file a petition under Chapter 9 of Title 11 of
13 the United States Bankruptcy Code or take other similar
14 action for the adjustment of its debts.

15 (16) To enter into management agreements for the
16 operation of any of the property or facilities owned by the
17 Agency.

18 (17) To enter into an agreement to transfer and to
19 transfer any land, facilities, fixtures, or equipment of
20 the Agency to one or more municipal electric systems,
21 governmental aggregators, or rural electric agencies or
22 cooperatives, for such consideration and upon such terms as
23 the Agency may determine to be in the best interest of the
24 citizens of Illinois.

25 (18) To enter upon any lands and within any building
26 whenever in its judgment it may be necessary for the

1 purpose of making surveys and examinations to accomplish
2 any purpose authorized by this Act.

3 (19) To maintain an office or offices at such place or
4 places in the State as it may determine.

5 (20) To request information, and to make any inquiry,
6 investigation, survey, or study that the Agency may deem
7 necessary to enable it effectively to carry out the
8 provisions of this Act.

9 (21) To accept and expend appropriations.

10 (22) To engage in any activity or operation that is
11 incidental to and in furtherance of efficient operation to
12 accomplish the Agency's purposes, including hiring
13 employees that the Director deems essential for the
14 operations of the Agency.

15 (23) To adopt, revise, amend, and repeal rules with
16 respect to its operations, properties, and facilities as
17 may be necessary or convenient to carry out the purposes of
18 this Act, subject to the provisions of the Illinois
19 Administrative Procedure Act and Sections 1-22 and 1-35 of
20 this Act.

21 (24) To establish and collect charges and fees as
22 described in this Act.

23 (25) To manage procurement of substitute natural gas
24 from a facility that meets the criteria specified in
25 subsection (a) of Section 1-58 of this Act, on terms and
26 conditions that may be approved by the Agency pursuant to

1 subsection (d) of Section 1-58 of this Act, to support the
2 operations of State agencies and local governments that
3 agree to such terms and conditions. This procurement
4 process is not subject to the Procurement Code.

5 (Source: P.A. 95-481, eff. 8-28-07; 96-784, eff. 8-28-09;
6 96-1000, eff. 7-2-10.)

7 (20 ILCS 3855/1-25)

8 Sec. 1-25. Agency subject to other laws. Unless otherwise
9 stated, the Agency is subject to the provisions of all
10 applicable laws, including but not limited to, each of the
11 following:

12 (1) The State Records Act.

13 (2) The Illinois Procurement Code, except that the
14 Illinois Procurement Code does not apply to the hiring of
15 procurement administrators or procurement planning
16 consultants pursuant to Section 1-75 of the Illinois Power
17 Agency Act.

18 (3) The Freedom of Information Act.

19 (4) The State Property Control Act.

20 (5) (Blank). ~~The Personnel Code.~~

21 (6) The State Officials and Employees Ethics Act.

22 (Source: P.A. 95-481, eff. 8-28-07.)

23 (20 ILCS 3855/1-70)

24 Sec. 1-70. Agency officials.

1 (a) The Agency shall have a Director who meets the
2 qualifications specified in Section 5-222 of the Civil
3 Administrative Code of Illinois (20 ILCS 5/5-222).

4 (b) Within the Illinois Power Agency, the Agency shall
5 establish a Planning and Procurement Bureau and a Resource
6 Development Bureau. Each Bureau shall report to the Director.

7 (c) The Chief of the Planning and Procurement Bureau shall
8 be appointed by the Director, at the Director's sole
9 discretion, and (i) shall have at least 5 ~~10~~ years of direct
10 experience in electricity supply planning and procurement and
11 (ii) shall also hold an advanced degree in risk management,
12 law, business, or a related field.

13 (d) The Chief of the Resource Development Bureau shall be
14 appointed by the Director and (i) shall have at least 5 ~~10~~
15 years of direct experience in electric generating project
16 development and (ii) shall also hold an advanced degree in
17 economics, engineering, law, business, or a related field.

18 (e) The Director shall receive an annual salary of \$100,000
19 or as set by the Compensation Review Board, whichever is
20 higher. The Bureau Chiefs shall each receive an annual salary
21 of \$85,000 or as set by the Compensation Review Board,
22 whichever is higher.

23 (f) The Director and Bureau Chiefs shall not, for 2 years
24 prior to appointment or for 2 years after he or she leaves his
25 or her position, be employed by an electric utility,
26 independent power producer, power marketer, or alternative

1 retail electric supplier regulated by the Commission or the
2 Federal Energy Regulatory Commission.

3 (g) The Director and Bureau Chiefs are prohibited from: (i)
4 owning, directly or indirectly, 5% or more of the voting
5 capital stock of an electric utility, independent power
6 producer, power marketer, or alternative retail electric
7 supplier; (ii) being in any chain of successive ownership of 5%
8 or more of the voting capital stock of any electric utility,
9 independent power producer, power marketer, or alternative
10 retail electric supplier; (iii) receiving any form of
11 compensation, fee, payment, or other consideration from an
12 electric utility, independent power producer, power marketer,
13 or alternative retail electric supplier, including legal fees,
14 consulting fees, bonuses, or other sums. These limitations do
15 not apply to any compensation received pursuant to a defined
16 benefit plan or other form of deferred compensation, provided
17 that the individual has otherwise severed all ties to the
18 utility, power producer, power marketer, or alternative retail
19 electric supplier.

20 (Source: P.A. 95-481, eff. 8-28-07.)

21 (20 ILCS 3855/1-75)

22 Sec. 1-75. Planning and Procurement Bureau. The Planning
23 and Procurement Bureau has the following duties and
24 responsibilities:

25 (a) The Planning and Procurement Bureau shall each year,

1 beginning in 2008, develop procurement plans and conduct
2 competitive procurement processes in accordance with the
3 requirements of Section 16-111.5 of the Public Utilities Act
4 for the eligible retail customers of electric utilities that on
5 December 31, 2005 provided electric service to at least 100,000
6 customers in Illinois. For the purposes of this Section, the
7 term "eligible retail customers" has the same definition as
8 found in Section 16-111.5(a) of the Public Utilities Act.

9 (1) The Agency shall each year, beginning in 2008, as
10 needed, issue a request for qualifications for experts or
11 expert consulting firms to develop the procurement plans in
12 accordance with Section 16-111.5 of the Public Utilities
13 Act. In order to qualify an expert or expert consulting
14 firm must have:

15 (A) direct previous experience assembling
16 large-scale power supply plans or portfolios for
17 end-use customers;

18 (B) an advanced degree in economics, mathematics,
19 engineering, risk management, or a related area of
20 study;

21 (C) 10 years of experience in the electricity
22 sector, including managing supply risk;

23 (D) expertise in wholesale electricity market
24 rules, including those established by the Federal
25 Energy Regulatory Commission and regional transmission
26 organizations;

1 (E) expertise in credit protocols and familiarity
2 with contract protocols;

3 (F) adequate resources to perform and fulfill the
4 required functions and responsibilities; and

5 (G) the absence of a conflict of interest and
6 inappropriate bias for or against potential bidders or
7 the affected electric utilities.

8 (2) The Agency shall each year, as needed, issue a
9 request for qualifications for a procurement administrator
10 to conduct the competitive procurement processes in
11 accordance with Section 16-111.5 of the Public Utilities
12 Act. In order to qualify an expert or expert consulting
13 firm must have:

14 (A) direct previous experience administering a
15 large-scale competitive procurement process;

16 (B) an advanced degree in economics, mathematics,
17 engineering, or a related area of study;

18 (C) 10 years of experience in the electricity
19 sector, including risk management experience;

20 (D) expertise in wholesale electricity market
21 rules, including those established by the Federal
22 Energy Regulatory Commission and regional transmission
23 organizations;

24 (E) expertise in credit and contract protocols;

25 (F) adequate resources to perform and fulfill the
26 required functions and responsibilities; and

1 (G) the absence of a conflict of interest and
2 inappropriate bias for or against potential bidders or
3 the affected electric utilities.

4 (3) The Agency shall provide affected utilities and
5 other interested parties with the lists of qualified
6 experts or expert consulting firms identified through the
7 request for qualifications processes that are under
8 consideration to develop the procurement plans and to serve
9 as the procurement administrator. The Agency shall also
10 provide each qualified expert's or expert consulting
11 firm's response to the request for qualifications. All
12 information provided under this subparagraph shall also be
13 provided to the Commission. The Agency may provide by rule
14 for fees associated with supplying the information to
15 utilities and other interested parties. These parties
16 shall, within 5 business days, notify the Agency in writing
17 if they object to any experts or expert consulting firms on
18 the lists. Objections shall be based on:

19 (A) failure to satisfy qualification criteria;

20 (B) identification of a conflict of interest; or

21 (C) evidence of inappropriate bias for or against
22 potential bidders or the affected utilities.

23 The Agency shall remove experts or expert consulting
24 firms from the lists within 10 days if there is a
25 reasonable basis for an objection and provide the updated
26 lists to the affected utilities and other interested

1 parties. If the Agency fails to remove an expert or expert
2 consulting firm from a list, an objecting party may seek
3 review by the Commission within 5 days thereafter by filing
4 a petition, and the Commission shall render a ruling on the
5 petition within 10 days. There is no right of appeal of the
6 Commission's ruling.

7 (4) The Agency shall issue requests for proposals to
8 the qualified experts or expert consulting firms to develop
9 a procurement plan for the affected utilities and to serve
10 as procurement administrator.

11 (5) The Agency shall select an expert or expert
12 consulting firm to develop procurement plans based on the
13 proposals submitted and shall award ~~one-year~~ contracts of
14 up to 5 years to those selected ~~with an option for the~~
15 ~~Agency for a one-year renewal.~~

16 (6) The Agency shall select an expert or expert
17 consulting firm, with approval of the Commission, to serve
18 as procurement administrator based on the proposals
19 submitted. If the Commission rejects, within 5 days, the
20 Agency's selection, the Agency shall submit another
21 recommendation within 3 days based on the proposals
22 submitted. The Agency shall award a 5-year ~~one-year~~
23 contract to the expert or expert consulting firm so
24 selected with Commission approval ~~with an option for the~~
25 ~~Agency for a one-year renewal.~~

26 (b) The experts or expert consulting firms retained by the

1 Agency shall, as appropriate, prepare procurement plans, and
2 conduct a competitive procurement process as prescribed in
3 Section 16-111.5 of the Public Utilities Act, to ensure
4 adequate, reliable, affordable, efficient, and environmentally
5 sustainable electric service at the lowest total cost over
6 time, taking into account any benefits of price stability, for
7 eligible retail customers of electric utilities that on
8 December 31, 2005 provided electric service to at least 100,000
9 customers in the State of Illinois.

10 (c) Renewable portfolio standard.

11 (1) The procurement plans shall include cost-effective
12 renewable energy resources. A minimum percentage of each
13 utility's total supply to serve the load of eligible retail
14 customers, as defined in Section 16-111.5(a) of the Public
15 Utilities Act, procured for each of the following years
16 shall be generated from cost-effective renewable energy
17 resources: at least 2% by June 1, 2008; at least 4% by June
18 1, 2009; at least 5% by June 1, 2010; at least 6% by June 1,
19 2011; at least 7% by June 1, 2012; at least 8% by June 1,
20 2013; at least 9% by June 1, 2014; at least 10% by June 1,
21 2015; and increasing by at least 1.5% each year thereafter
22 to at least 25% by June 1, 2025. To the extent that it is
23 available, at least 75% of the renewable energy resources
24 used to meet these standards shall come from wind
25 generation and, beginning on June 1, 2011, at least the
26 following percentages of the renewable energy resources

1 used to meet these standards shall come from photovoltaics
2 on the following schedule: 0.5% by June 1, 2012, 1.5% by
3 June 1, 2013; 3% by June 1, 2014; and 6% by June 1, 2015 and
4 thereafter.

5 For purposes of this subsection (c), "cost-effective"
6 means that the costs of procuring renewable energy
7 resources do not cause the limit stated in paragraph (2) of
8 this subsection (c) to be exceeded and do not exceed
9 benchmarks based on market prices for renewable energy
10 resources in the region, which shall be developed by the
11 procurement administrator, in consultation with the
12 Commission staff, Agency staff, and the procurement
13 monitor and shall be subject to Commission review and
14 approval.

15 (2) For purposes of this subsection (c), the required
16 procurement of cost-effective renewable energy resources
17 for a particular year shall be measured as a percentage of
18 the actual amount of electricity (megawatt-hours) supplied
19 by the electric utility to eligible retail customers in the
20 planning year ending immediately prior to the procurement.
21 For purposes of this subsection (c), the amount paid per
22 kilowatthour means the total amount paid for electric
23 service expressed on a per kilowatthour basis. For purposes
24 of this subsection (c), the total amount paid for electric
25 service includes without limitation amounts paid for
26 supply, transmission, distribution, surcharges, and add-on

1 taxes.

2 Notwithstanding the requirements of this subsection
3 (c), the total of renewable energy resources procured
4 pursuant to the procurement plan for any single year shall
5 be reduced by an amount necessary to limit the annual
6 estimated average net increase due to the costs of these
7 resources included in the amounts paid by eligible retail
8 customers in connection with electric service to:

9 (A) in 2008, no more than 0.5% of the amount paid
10 per kilowatthour by those customers during the year
11 ending May 31, 2007;

12 (B) in 2009, the greater of an additional 0.5% of
13 the amount paid per kilowatthour by those customers
14 during the year ending May 31, 2008 or 1% of the amount
15 paid per kilowatthour by those customers during the
16 year ending May 31, 2007;

17 (C) in 2010, the greater of an additional 0.5% of
18 the amount paid per kilowatthour by those customers
19 during the year ending May 31, 2009 or 1.5% of the
20 amount paid per kilowatthour by those customers during
21 the year ending May 31, 2007;

22 (D) in 2011, the greater of an additional 0.5% of
23 the amount paid per kilowatthour by those customers
24 during the year ending May 31, 2010 or 2% of the amount
25 paid per kilowatthour by those customers during the
26 year ending May 31, 2007; and

1 (E) thereafter, the amount of renewable energy
2 resources procured pursuant to the procurement plan
3 for any single year shall be reduced by an amount
4 necessary to limit the estimated average net increase
5 due to the cost of these resources included in the
6 amounts paid by eligible retail customers in
7 connection with electric service to no more than the
8 greater of 2.015% of the amount paid per kilowatthour
9 by those customers during the year ending May 31, 2007
10 or the incremental amount per kilowatthour paid for
11 these resources in 2011.

12 No later than June 30, 2011, the Commission shall
13 review the limitation on the amount of renewable energy
14 resources procured pursuant to this subsection (c) and
15 report to the General Assembly its findings as to
16 whether that limitation unduly constrains the
17 procurement of cost-effective renewable energy
18 resources.

19 (3) Through June 1, 2011, renewable energy resources
20 shall be counted for the purpose of meeting the renewable
21 energy standards set forth in paragraph (1) of this
22 subsection (c) only if they are generated from facilities
23 located in the State, provided that cost-effective
24 renewable energy resources are available from those
25 facilities. If those cost-effective resources are not
26 available in Illinois, they shall be procured in states

1 that adjoin Illinois and may be counted towards compliance.
2 If those cost-effective resources are not available in
3 Illinois or in states that adjoin Illinois, they shall be
4 purchased elsewhere and shall be counted towards
5 compliance. After June 1, 2011, cost-effective renewable
6 energy resources located in Illinois and in states that
7 adjoin Illinois may be counted towards compliance with the
8 standards set forth in paragraph (1) of this subsection
9 (c). If those cost-effective resources are not available in
10 Illinois or in states that adjoin Illinois, they shall be
11 purchased elsewhere and shall be counted towards
12 compliance.

13 (4) The electric utility shall retire all renewable
14 energy credits used to comply with the standard.

15 (5) Beginning with the year commencing June 1, 2010, an
16 electric utility subject to this subsection (c) shall apply
17 the lesser of the maximum alternative compliance payment
18 rate or the most recent estimated alternative compliance
19 payment rate for its service territory for the
20 corresponding compliance period, established pursuant to
21 subsection (d) of Section 16-115D of the Public Utilities
22 Act to its retail customers that take service pursuant to
23 the electric utility's hourly pricing tariff or tariffs.
24 The electric utility shall retain all amounts collected as
25 a result of the application of the alternative compliance
26 payment rate or rates to such customers, and, beginning in

1 2011, the utility shall include in the information provided
2 under item (1) of subsection (d) of Section 16-111.5 of the
3 Public Utilities Act the amounts collected under the
4 alternative compliance payment rate or rates for the prior
5 year ending May 31. Notwithstanding any limitation on the
6 procurement of renewable energy resources imposed by item
7 (2) of this subsection (c), the Agency shall increase its
8 spending on the purchase of renewable energy resources to
9 be procured by the electric utility for the next plan year
10 by an amount equal to the amounts collected by the utility
11 under the alternative compliance payment rate or rates in
12 the prior year ending May 31.

13 (d) Clean coal portfolio standard.

14 (1) The procurement plans shall include electricity
15 generated using clean coal. Each utility shall enter into
16 one or more sourcing agreements with the initial clean coal
17 facility, as provided in paragraph (3) of this subsection
18 (d), covering electricity generated by the initial clean
19 coal facility representing at least 5% of each utility's
20 total supply to serve the load of eligible retail customers
21 in 2015 and each year thereafter, as described in paragraph
22 (3) of this subsection (d), subject to the limits specified
23 in paragraph (2) of this subsection (d). It is the goal of
24 the State that by January 1, 2025, 25% of the electricity
25 used in the State shall be generated by cost-effective
26 clean coal facilities. For purposes of this subsection (d),

1 "cost-effective" means that the expenditures pursuant to
2 such sourcing agreements do not cause the limit stated in
3 paragraph (2) of this subsection (d) to be exceeded and do
4 not exceed cost-based benchmarks, which shall be developed
5 to assess all expenditures pursuant to such sourcing
6 agreements covering electricity generated by clean coal
7 facilities, other than the initial clean coal facility, by
8 the procurement administrator, in consultation with the
9 Commission staff, Agency staff, and the procurement
10 monitor and shall be subject to Commission review and
11 approval.

12 ~~(A)~~ A utility party to a sourcing agreement shall
13 immediately retire any emission credits that it receives in
14 connection with the electricity covered by such agreement.

15 ~~(B)~~ Utilities shall maintain adequate records
16 documenting the purchases under the sourcing agreement to
17 comply with this subsection (d) and shall file an
18 accounting with the load forecast that must be filed with
19 the Agency by July 15 of each year, in accordance with
20 subsection (d) of Section 16-111.5 of the Public Utilities
21 Act.

22 ~~(C)~~ A utility shall be deemed to have complied with the
23 clean coal portfolio standard specified in this subsection
24 (d) if the utility enters into a sourcing agreement as
25 required by this subsection (d).

26 (2) For purposes of this subsection (d), the required

1 execution of sourcing agreements with the initial clean
2 coal facility for a particular year shall be measured as a
3 percentage of the actual amount of electricity
4 (megawatt-hours) supplied by the electric utility to
5 eligible retail customers in the planning year ending
6 immediately prior to the agreement's execution. For
7 purposes of this subsection (d), the amount paid per
8 kilowatthour means the total amount paid for electric
9 service expressed on a per kilowatthour basis. For purposes
10 of this subsection (d), the total amount paid for electric
11 service includes without limitation amounts paid for
12 supply, transmission, distribution, surcharges and add-on
13 taxes.

14 Notwithstanding the requirements of this subsection
15 (d), the total amount paid under sourcing agreements with
16 clean coal facilities pursuant to the procurement plan for
17 any given year shall be reduced by an amount necessary to
18 limit the annual estimated average net increase due to the
19 costs of these resources included in the amounts paid by
20 eligible retail customers in connection with electric
21 service to:

22 (A) in 2010, no more than 0.5% of the amount paid
23 per kilowatthour by those customers during the year
24 ending May 31, 2009;

25 (B) in 2011, the greater of an additional 0.5% of
26 the amount paid per kilowatthour by those customers

1 during the year ending May 31, 2010 or 1% of the amount
2 paid per kilowatthour by those customers during the
3 year ending May 31, 2009;

4 (C) in 2012, the greater of an additional 0.5% of
5 the amount paid per kilowatthour by those customers
6 during the year ending May 31, 2011 or 1.5% of the
7 amount paid per kilowatthour by those customers during
8 the year ending May 31, 2009;

9 (D) in 2013, the greater of an additional 0.5% of
10 the amount paid per kilowatthour by those customers
11 during the year ending May 31, 2012 or 2% of the amount
12 paid per kilowatthour by those customers during the
13 year ending May 31, 2009; and

14 (E) thereafter, the total amount paid under
15 sourcing agreements with clean coal facilities
16 pursuant to the procurement plan for any single year
17 shall be reduced by an amount necessary to limit the
18 estimated average net increase due to the cost of these
19 resources included in the amounts paid by eligible
20 retail customers in connection with electric service
21 to no more than the greater of (i) 2.015% of the amount
22 paid per kilowatthour by those customers during the
23 year ending May 31, 2009 or (ii) the incremental amount
24 per kilowatthour paid for these resources in 2013.
25 These requirements may be altered only as provided by
26 statute.

1 No later than June 30, 2015, the Commission shall
2 review the limitation on the total amount paid under
3 sourcing agreements, if any, with clean coal facilities
4 pursuant to this subsection (d) and report to the General
5 Assembly its findings as to whether that limitation unduly
6 constrains the amount of electricity generated by
7 cost-effective clean coal facilities that is covered by
8 sourcing agreements.

9 (3) Initial clean coal facility. In order to promote
10 development of clean coal facilities in Illinois, each
11 electric utility subject to this Section shall execute a
12 sourcing agreement to source electricity from a proposed
13 clean coal facility in Illinois (the "initial clean coal
14 facility") that will have a nameplate capacity of at least
15 500 MW when commercial operation commences, that has a
16 final Clean Air Act permit on the effective date of this
17 amendatory Act of the 95th General Assembly, and that will
18 meet the definition of clean coal facility in Section 1-10
19 of this Act when commercial operation commences. The
20 sourcing agreements with this initial clean coal facility
21 shall be subject to both approval of the initial clean coal
22 facility by the General Assembly and satisfaction of the
23 requirements of paragraph (4) of this subsection (d) and
24 shall be executed within 90 days after any such approval by
25 the General Assembly. The Agency and the Commission shall
26 have authority to inspect all books and records associated

1 with the initial clean coal facility during the term of
2 such a sourcing agreement. A utility's sourcing agreement
3 for electricity produced by the initial clean coal facility
4 shall include:

5 (A) a formula contractual price (the "contract
6 price") approved pursuant to paragraph (4) of this
7 subsection (d), which shall:

8 (i) be determined using a cost of service
9 methodology employing either a level or deferred
10 capital recovery component, based on a capital
11 structure consisting of 45% equity and 55% debt,
12 and a return on equity as may be approved by the
13 Federal Energy Regulatory Commission, which in any
14 case may not exceed the lower of 11.5% or the rate
15 of return approved by the General Assembly
16 pursuant to paragraph (4) of this subsection (d);
17 and

18 (ii) provide that all miscellaneous net
19 revenue, including but not limited to net revenue
20 from the sale of emission allowances, if any,
21 substitute natural gas, if any, grants or other
22 support provided by the State of Illinois or the
23 United States Government, firm transmission
24 rights, if any, by-products produced by the
25 facility, energy or capacity derived from the
26 facility and not covered by a sourcing agreement

1 pursuant to paragraph (3) of this subsection (d) or
2 item (5) of subsection (d) of Section 16-115 of the
3 Public Utilities Act, whether generated from the
4 synthesis gas derived from coal, from SNG, or from
5 natural gas, shall be credited against the revenue
6 requirement for this initial clean coal facility;

7 (B) power purchase provisions, which shall:

8 (i) provide that the utility party to such
9 sourcing agreement shall pay the contract price
10 for electricity delivered under such sourcing
11 agreement;

12 (ii) require delivery of electricity to the
13 regional transmission organization market of the
14 utility that is party to such sourcing agreement;

15 (iii) require the utility party to such
16 sourcing agreement to buy from the initial clean
17 coal facility in each hour an amount of energy
18 equal to all clean coal energy made available from
19 the initial clean coal facility during such hour
20 times a fraction, the numerator of which is such
21 utility's retail market sales of electricity
22 (expressed in kilowatthours sold) in the State
23 during the prior calendar month and the
24 denominator of which is the total retail market
25 sales of electricity (expressed in kilowatthours
26 sold) in the State by utilities during such prior

1 month and the sales of electricity (expressed in
2 kilowatthours sold) in the State by alternative
3 retail electric suppliers during such prior month
4 that are subject to the requirements of this
5 subsection (d) and paragraph (5) of subsection (d)
6 of Section 16-115 of the Public Utilities Act,
7 provided that the amount purchased by the utility
8 in any year will be limited by paragraph (2) of
9 this subsection (d); and

10 (iv) be considered pre-existing contracts in
11 such utility's procurement plans for eligible
12 retail customers;

13 (C) contract for differences provisions, which
14 shall:

15 (i) require the utility party to such sourcing
16 agreement to contract with the initial clean coal
17 facility in each hour with respect to an amount of
18 energy equal to all clean coal energy made
19 available from the initial clean coal facility
20 during such hour times a fraction, the numerator of
21 which is such utility's retail market sales of
22 electricity (expressed in kilowatthours sold) in
23 the utility's service territory in the State
24 during the prior calendar month and the
25 denominator of which is the total retail market
26 sales of electricity (expressed in kilowatthours

1 sold) in the State by utilities during such prior
2 month and the sales of electricity (expressed in
3 kilowatthours sold) in the State by alternative
4 retail electric suppliers during such prior month
5 that are subject to the requirements of this
6 subsection (d) and paragraph (5) of subsection (d)
7 of Section 16-115 of the Public Utilities Act,
8 provided that the amount paid by the utility in any
9 year will be limited by paragraph (2) of this
10 subsection (d);

11 (ii) provide that the utility's payment
12 obligation in respect of the quantity of
13 electricity determined pursuant to the preceding
14 clause (i) shall be limited to an amount equal to
15 (1) the difference between the contract price
16 determined pursuant to subparagraph (A) of
17 paragraph (3) of this subsection (d) and the
18 day-ahead price for electricity delivered to the
19 regional transmission organization market of the
20 utility that is party to such sourcing agreement
21 (or any successor delivery point at which such
22 utility's supply obligations are financially
23 settled on an hourly basis) (the "reference
24 price") on the day preceding the day on which the
25 electricity is delivered to the initial clean coal
26 facility busbar, multiplied by (2) the quantity of

1 electricity determined pursuant to the preceding
2 clause (i); and

3 (iii) not require the utility to take physical
4 delivery of the electricity produced by the
5 facility;

6 (D) general provisions, which shall:

7 (i) specify a term of no more than 30 years,
8 commencing on the commercial operation date of the
9 facility;

10 (ii) provide that utilities shall maintain
11 adequate records documenting purchases under the
12 sourcing agreements entered into to comply with
13 this subsection (d) and shall file an accounting
14 with the load forecast that must be filed with the
15 Agency by July 15 of each year, in accordance with
16 subsection (d) of Section 16-111.5 of the Public
17 Utilities Act.

18 (iii) provide that all costs associated with
19 the initial clean coal facility will be
20 periodically reported to the Federal Energy
21 Regulatory Commission and to purchasers in
22 accordance with applicable laws governing
23 cost-based wholesale power contracts;

24 (iv) permit the Illinois Power Agency to
25 assume ownership of the initial clean coal
26 facility, without monetary consideration and

1 otherwise on reasonable terms acceptable to the
2 Agency, if the Agency so requests no less than 3
3 years prior to the end of the stated contract term;

4 (v) require the owner of the initial clean coal
5 facility to provide documentation to the
6 Commission each year, starting in the facility's
7 first year of commercial operation, accurately
8 reporting the quantity of carbon emissions from
9 the facility that have been captured and
10 sequestered and report any quantities of carbon
11 released from the site or sites at which carbon
12 emissions were sequestered in prior years, based
13 on continuous monitoring of such sites. If, in any
14 year after the first year of commercial operation,
15 the owner of the facility fails to demonstrate that
16 the initial clean coal facility captured and
17 sequestered at least 50% of the total carbon
18 emissions that the facility would otherwise emit
19 or that sequestration of emissions from prior
20 years has failed, resulting in the release of
21 carbon dioxide into the atmosphere, the owner of
22 the facility must offset excess emissions. Any
23 such carbon offsets must be permanent, additional,
24 verifiable, real, located within the State of
25 Illinois, and legally and practicably enforceable.
26 The cost of such offsets for the facility that are

1 not recoverable shall not exceed \$15 million in any
2 given year. No costs of any such purchases of
3 carbon offsets may be recovered from a utility or
4 its customers. All carbon offsets purchased for
5 this purpose and any carbon emission credits
6 associated with sequestration of carbon from the
7 facility must be permanently retired. The initial
8 clean coal facility shall not forfeit its
9 designation as a clean coal facility if the
10 facility fails to fully comply with the applicable
11 carbon sequestration requirements in any given
12 year, provided the requisite offsets are
13 purchased. However, the Attorney General, on
14 behalf of the People of the State of Illinois, may
15 specifically enforce the facility's sequestration
16 requirement and the other terms of this contract
17 provision. Compliance with the sequestration
18 requirements and offset purchase requirements
19 specified in paragraph (3) of this subsection (d)
20 shall be reviewed annually by an independent
21 expert retained by the owner of the initial clean
22 coal facility, with the advance written approval
23 of the Attorney General. The Commission may, in the
24 course of the review specified in item (vii),
25 reduce the allowable return on equity for the
26 facility if the facility wilfully fails to comply

1 with the carbon capture and sequestration
2 requirements set forth in this item (v);

3 (vi) include limits on, and accordingly
4 provide for modification of, the amount the
5 utility is required to source under the sourcing
6 agreement consistent with paragraph (2) of this
7 subsection (d);

8 (vii) require Commission review: (1) to
9 determine the justness, reasonableness, and
10 prudence of the inputs to the formula referenced in
11 subparagraphs (A)(i) through (A)(iii) of paragraph
12 (3) of this subsection (d), prior to an adjustment
13 in those inputs including, without limitation, the
14 capital structure and return on equity, fuel
15 costs, and other operations and maintenance costs
16 and (2) to approve the costs to be passed through
17 to customers under the sourcing agreement by which
18 the utility satisfies its statutory obligations.
19 Commission review shall occur no less than every 3
20 years, regardless of whether any adjustments have
21 been proposed, and shall be completed within 9
22 months;

23 (viii) limit the utility's obligation to such
24 amount as the utility is allowed to recover through
25 tariffs filed with the Commission, provided that
26 neither the clean coal facility nor the utility

1 waives any right to assert federal pre-emption or
2 any other argument in response to a purported
3 disallowance of recovery costs;

4 (ix) limit the utility's or alternative retail
5 electric supplier's obligation to incur any
6 liability until such time as the facility is in
7 commercial operation and generating power and
8 energy and such power and energy is being delivered
9 to the facility busbar;

10 (x) provide that the owner or owners of the
11 initial clean coal facility, which is the
12 counterparty to such sourcing agreement, shall
13 have the right from time to time to elect whether
14 the obligations of the utility party thereto shall
15 be governed by the power purchase provisions or the
16 contract for differences provisions;

17 (xi) append documentation showing that the
18 formula rate and contract, insofar as they relate
19 to the power purchase provisions, have been
20 approved by the Federal Energy Regulatory
21 Commission pursuant to Section 205 of the Federal
22 Power Act;

23 (xii) provide that any changes to the terms of
24 the contract, insofar as such changes relate to the
25 power purchase provisions, are subject to review
26 under the public interest standard applied by the

1 Federal Energy Regulatory Commission pursuant to
2 Sections 205 and 206 of the Federal Power Act; and
3 (xiii) conform with customary lender
4 requirements in power purchase agreements used as
5 the basis for financing non-utility generators.

6 (4) Effective date of sourcing agreements with the
7 initial clean coal facility.

8 Any proposed sourcing agreement with the initial clean
9 coal facility shall not become effective unless the
10 following reports are prepared and submitted and
11 authorizations and approvals obtained:

12 (i) Facility cost report. The owner of the initial
13 clean coal facility shall submit to the Commission, the
14 Agency, and the General Assembly a front-end
15 engineering and design study, a facility cost report,
16 method of financing (including but not limited to
17 structure and associated costs), and an operating and
18 maintenance cost quote for the facility (collectively
19 "facility cost report"), which shall be prepared in
20 accordance with the requirements of this paragraph (4)
21 of subsection (d) of this Section, and shall provide
22 the Commission and the Agency access to the work
23 papers, relied upon documents, and any other backup
24 documentation related to the facility cost report.

25 (ii) Commission report. Within 6 months following
26 receipt of the facility cost report, the Commission, in

1 consultation with the Agency, shall submit a report to
2 the General Assembly setting forth its analysis of the
3 facility cost report. Such report shall include, but
4 not be limited to, a comparison of the costs associated
5 with electricity generated by the initial clean coal
6 facility to the costs associated with electricity
7 generated by other types of generation facilities, an
8 analysis of the rate impacts on residential and small
9 business customers over the life of the sourcing
10 agreements, and an analysis of the likelihood that the
11 initial clean coal facility will commence commercial
12 operation by and be delivering power to the facility's
13 busbar by 2016. To assist in the preparation of its
14 report, the Commission, in consultation with the
15 Agency, may hire one or more experts or consultants,
16 the costs of which shall be paid for by the owner of
17 the initial clean coal facility. The Commission and
18 Agency may begin the process of selecting such experts
19 or consultants prior to receipt of the facility cost
20 report.

21 (iii) General Assembly approval. The proposed
22 sourcing agreements shall not take effect unless,
23 based on the facility cost report and the Commission's
24 report, the General Assembly enacts authorizing
25 legislation approving (A) the projected price, stated
26 in cents per kilowatthour, to be charged for

1 electricity generated by the initial clean coal
2 facility, (B) the projected impact on residential and
3 small business customers' bills over the life of the
4 sourcing agreements, and (C) the maximum allowable
5 return on equity for the project; and

6 (iv) Commission review. If the General Assembly
7 enacts authorizing legislation pursuant to
8 subparagraph (iii) approving a sourcing agreement, the
9 Commission shall, within 90 days of such enactment,
10 complete a review of such sourcing agreement. During
11 such time period, the Commission shall implement any
12 directive of the General Assembly, resolve any
13 disputes between the parties to the sourcing agreement
14 concerning the terms of such agreement, approve the
15 form of such agreement, and issue an order finding that
16 the sourcing agreement is prudent and reasonable.

17 The facility cost report shall be prepared as follows:

18 (A) The facility cost report shall be prepared by
19 duly licensed engineering and construction firms
20 detailing the estimated capital costs payable to one or
21 more contractors or suppliers for the engineering,
22 procurement and construction of the components
23 comprising the initial clean coal facility and the
24 estimated costs of operation and maintenance of the
25 facility. The facility cost report shall include:

26 (i) an estimate of the capital cost of the core

1 plant based on one or more front end engineering
2 and design studies for the gasification island and
3 related facilities. The core plant shall include
4 all civil, structural, mechanical, electrical,
5 control, and safety systems.

6 (ii) an estimate of the capital cost of the
7 balance of the plant, including any capital costs
8 associated with sequestration of carbon dioxide
9 emissions and all interconnects and interfaces
10 required to operate the facility, such as
11 transmission of electricity, construction or
12 backfeed power supply, pipelines to transport
13 substitute natural gas or carbon dioxide, potable
14 water supply, natural gas supply, water supply,
15 water discharge, landfill, access roads, and coal
16 delivery.

17 The quoted construction costs shall be expressed
18 in nominal dollars as of the date that the quote is
19 prepared and shall include ~~(1)~~ capitalized financing
20 costs during construction, ~~(2)~~ taxes, insurance, and
21 other owner's costs, and ~~(3)~~ an assumed escalation in
22 materials and labor beyond the date as of which the
23 construction cost quote is expressed.

24 (B) The front end engineering and design study for
25 the gasification island and the cost study for the
26 balance of plant shall include sufficient design work

1 to permit quantification of major categories of
2 materials, commodities and labor hours, and receipt of
3 quotes from vendors of major equipment required to
4 construct and operate the clean coal facility.

5 (C) The facility cost report shall also include an
6 operating and maintenance cost quote that will provide
7 the estimated cost of delivered fuel, personnel,
8 maintenance contracts, chemicals, catalysts,
9 consumables, spares, and other fixed and variable
10 operations and maintenance costs. ~~(a)~~ The delivered
11 fuel cost estimate will be provided by a recognized
12 third party expert or experts in the fuel and
13 transportation industries. ~~(b)~~ The balance of the
14 operating and maintenance cost quote, excluding
15 delivered fuel costs, will be developed based on the
16 inputs provided by duly licensed engineering and
17 construction firms performing the construction cost
18 quote, potential vendors under long-term service
19 agreements and plant operating agreements, or
20 recognized third party plant operator or operators.

21 The operating and maintenance cost quote
22 (including the cost of the front end engineering and
23 design study) shall be expressed in nominal dollars as
24 of the date that the quote is prepared and shall
25 include ~~(1)~~ taxes, insurance, and other owner's costs,
26 and ~~(2)~~ an assumed escalation in materials and labor

1 beyond the date as of which the operating and
2 maintenance cost quote is expressed.

3 (D) The facility cost report shall also include ~~(i)~~
4 an analysis of the initial clean coal facility's
5 ability to deliver power and energy into the applicable
6 regional transmission organization markets and ~~(ii)~~ an
7 analysis of the expected capacity factor for the
8 initial clean coal facility.

9 (E) Amounts paid to third parties unrelated to the
10 owner or owners of the initial clean coal facility to
11 prepare the core plant construction cost quote,
12 including the front end engineering and design study,
13 and the operating and maintenance cost quote will be
14 reimbursed through Coal Development Bonds.

15 (5) Re-powering and retrofitting coal-fired power
16 plants previously owned by Illinois utilities to qualify as
17 clean coal facilities. During the 2009 procurement
18 planning process and thereafter, the Agency and the
19 Commission shall consider sourcing agreements covering
20 electricity generated by power plants that were previously
21 owned by Illinois utilities and that have been or will be
22 converted into clean coal facilities, as defined by Section
23 1-10 of this Act. Pursuant to such procurement planning
24 process, the owners of such facilities may propose to the
25 Agency sourcing agreements with utilities and alternative
26 retail electric suppliers required to comply with

1 subsection (d) of this Section and item (5) of subsection
2 (d) of Section 16-115 of the Public Utilities Act, covering
3 electricity generated by such facilities. In the case of
4 sourcing agreements that are power purchase agreements,
5 the contract price for electricity sales shall be
6 established on a cost of service basis. In the case of
7 sourcing agreements that are contracts for differences,
8 the contract price from which the reference price is
9 subtracted shall be established on a cost of service basis.

10 The Agency and the Commission may approve any such utility
11 sourcing agreements that do not exceed cost-based
12 benchmarks developed by the procurement administrator, in
13 consultation with the Commission staff, Agency staff and
14 the procurement monitor, subject to Commission review and
15 approval. The Commission shall have authority to inspect
16 all books and records associated with these clean coal
17 facilities during the term of any such contract.

18 (6) Costs incurred under this subsection (d) or
19 pursuant to a contract entered into under this subsection
20 (d) shall be deemed prudently incurred and reasonable in
21 amount and the electric utility shall be entitled to full
22 cost recovery pursuant to the tariffs filed with the
23 Commission.

24 (e) The draft procurement plans are subject to public
25 comment, as required by Section 16-111.5 of the Public
26 Utilities Act.

1 (f) The Agency shall submit the final procurement plan to
2 the Commission. The Agency shall revise a procurement plan if
3 the Commission determines that it does not meet the standards
4 set forth in Section 16-111.5 of the Public Utilities Act.

5 (g) The Agency shall assess fees to each affected utility
6 to recover the costs incurred in preparation of the annual
7 procurement plan for the utility.

8 (h) The Agency shall assess fees to each bidder to recover
9 the costs incurred in connection with a competitive procurement
10 process.

11 (Source: P.A. 95-481, eff. 8-28-07; 95-1027, eff. 6-1-09;
12 96-159, eff. 8-10-09; 96-1437, eff. 8-17-10.)

13 Section 880. The Illinois Procurement Code is amended by
14 changing Section 50-39 as follows:

15 (30 ILCS 500/50-39)

16 Sec. 50-39. Procurement communications reporting
17 requirement.

18 (a) Any written or oral communication received by a State
19 employee that imparts or requests material information or makes
20 a material argument regarding potential action concerning a
21 procurement matter, including, but not limited to, an
22 application, a contract, or a project, shall be reported to the
23 Procurement Policy Board, and, with respect to the Illinois
24 Power Agency, by the initiator of the communication, and may be

1 reported also by the recipient. Any person communicating
2 orally, in writing, electronically, or otherwise with the
3 Director or any person employed by, or associated with, the
4 Illinois Power Agency to impart, solicit, or transfer any
5 information related to the content of any power procurement
6 plan, the manner of conducting any power procurement process,
7 the procurement of any power supply, or the method or structure
8 of contracting with power suppliers must disclose to the
9 Procurement Policy Board the full nature, content, and extent
10 of any such communication in writing by submitting a report
11 with the following information:

12 (1) The names of any party to the communication.

13 (2) The date on which the communication occurred.

14 (3) The time at which the communication occurred.

15 (4) The duration of the communication.

16 (5) The method (written, oral, etc.) of the
17 communication.

18 (6) A summary of the substantive content of the
19 communication.

20 These communications do not include the following: (i)
21 statements by a person publicly made in a public forum; (ii)
22 statements regarding matters of procedure and practice, such as
23 format, the number of copies required, the manner of filing,
24 and the status of a matter; and (iii) statements made by a
25 State employee of the agency to the agency head or other
26 employees of that agency or to the employees of the Executive

1 Ethics Commission. The provisions of this Section shall not
2 apply to communications regarding the administration and
3 implementation of an existing contract, except communications
4 regarding change orders or the renewal or extension of a
5 contract.

6 (b) The report required by subsection (a) shall be
7 submitted monthly and include at least the following: (i) the
8 date and time of each communication; (ii) the identity of each
9 person from whom the written or oral communication was
10 received, the individual or entity represented by that person,
11 and any action the person requested or recommended; (iii) the
12 identity and job title of the person to whom each communication
13 was made; (iv) if a response is made, the identity and job
14 title of the person making each response; (v) a detailed
15 summary of the points made by each person involved in the
16 communication; (vi) the duration of the communication; (vii)
17 the location or locations of all persons involved in the
18 communication and, if the communication occurred by telephone,
19 the telephone numbers for the callers and recipients of the
20 communication; and (viii) any other pertinent information.

21 (c) Additionally, when an oral communication made by a
22 person required to register under the Lobbyist Registration Act
23 is received by a State employee that is covered under this
24 Section, all individuals who initiate or participate in the
25 oral communication shall submit a written report to that State
26 employee that memorializes the communication and includes, but

1 is not limited to, the items listed in subsection (b).

2 (d) The Procurement Policy Board shall make each report
3 submitted pursuant to this Section available on its website
4 within 7 days after its receipt of the report. The Procurement
5 Policy Board may promulgate rules to ensure compliance with
6 this Section.

7 (e) The reporting requirements shall also be conveyed
8 through ethics training under the State ~~Employees and~~ Officials
9 and Employees Ethics Act. An employee who knowingly and
10 intentionally violates this Section shall be subject to
11 suspension or discharge. The Executive Ethics Commission shall
12 promulgate rules, including emergency rules, to implement this
13 Section.

14 (f) This Section becomes operative on January 1, 2011.

15 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
16 for the effective date of changes made by P.A. 96-795); 96-920,
17 eff. 7-1-10; revised 9-27-10.)"; and

18 on page 18, immediately below line 7, by inserting the
19 following:

20 "Section 995. No acceleration or delay. Where this Act
21 makes changes in a statute that is represented in this Act by
22 text that is not yet or no longer in effect (for example, a
23 Section represented by multiple versions), the use of that text
24 does not accelerate or delay the taking effect of (i) the

1 changes made by this Act or (ii) provisions derived from any
2 other Public Act.".